IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2900 OF 2004

Shri Devidas Bapu Shelke & Ors. ...Petitioners

Versus

Pandurang Bhimrao Shelke & Anr. ...Respondents

.....

Mr.S.Shah for Petitioners.

Mrs.Anita A.Agarwal for Respondent No.1.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 26, 2004.

P.C.

1. This matter was adjourned to enable the parties to explore the possibility of settlement, although the order challenged in this Writ Petition was an interlocutory order. The parties are related to each other. It is in that context, it was expected that they will respond favourably to the proposal for amicable resolution of all the contentious issues, either by themselves or through the mediation.

2. Counsel for the Petitioners, however, expresses his inability to proceed with the matter for want of instructions. He submits that he has already sent couple of reminders to the Petitioners, but he has not received any response or appropriate instructions.

3. Counsel for the Respondents, on the other hand, submits that the Petitioners have no intention to settle, but they would be more than happy to keep the Respondents embroiled in Court litigation. There is substance in the submission made on behalf of the Respondents.

4. Be that as it may, as the Advocate for the Petitioners has expressed inability to proceed in the matter for want of instructions, the Petition deserves to be dismissed for non-prosecution. Ordered accordingly.

A.M.KHANWILKAR, J.